

REMARKS

Reconsideration of the above-identified application in view of the preliminary amendment filed December 9, 2005, and the remarks following is respectfully requested.

Status of Claims

The Examiner's Official Action mailed January 26, 2007, relates to claims 1-15 as published in the international phase of the application. However, also included within the image file wrapper (IFW) is a preliminary amendment filed together with the national phase application on December 9, 2005. The preliminary amendment canceled claims 7 and 8, and added new claims 16-22. This preliminary amendment seems to have been overlooked by the Examiner.

The Applicant respectfully requests that the Examiner issue a new non-final action relating to the correct set of pending claims, namely, claims 1-6 and 9-22. However, in the interest of expediting the prosecution, the Applicant takes this opportunity to submit arguments regarding the claims which have so far been examined.

§ 102(b) & § 103(a) Rejections

The Examiner has rejected claims 1-9 and 12-15 under § 102(b) as being anticipated by Sharpe III et al. (US 6012961). The Examiner has also rejected claims 10 and 11 under § 103(a) as being unpatentable over Sharpe III et al. in view of Rifkin et al. (US 5873765). The Examiner's rejections are respectfully traversed.

The rejections of claims 7 and 8 are rendered moot by the cancellation of those claims in the aforementioned preliminary amendment.

Turning now to the remaining rejections, both Sharpe III et al. and Rifkin et al. are addressed in the Background section of the specification from page 1, line 16 through page 2, line 6 which state:

U.S. Patents Nos. 5,873,765 to Rifkin et al. and 6,012,961 to Sharpe, III et al. describe story-telling dolls which are operable in a free-standing mode to play a story stored in memory within the doll. This renders the doll much more suitable for general purpose use by a child who can freely take the doll to play or into bed without maintaining connection to a computer.

The dolls of both Rifkin et al. and Sharpe, III et al. both allow updating of the audio content stored within the memory of the doll by docking with a computer. As a result, despite the advantages of the free-standing playback mode of operation, updating of the audio content of these devices is totally dependent upon an external computer. The required availability of a computer, and the need for some degree of computer literacy precludes operation of the device by young children and non-computer-minded adults, or when traveling away from the computer.

In other words, both Sharpe III et al. and Rifkin et al. require that any content update process is initiated and controlled through a computer with which the doll is docked, rendering the use of the doll unsuitable for independent operation by young children and non-computer-minded adults.

In contrast, the story-telling doll of the present invention is configured to update content with the doll itself serving as a user interface and managing the communications link to a remote content provider.

Referring now to the claim language, it should be noted that the claimed processing system, data storage device, audio output device and communications unit are all recited to be "contained within said body" of the doll, and the input signal for initiating the content update sequence is generated by a "user-operable switch manually operable by manipulation of at least one region of said body." Thus, the claim language clearly conveys that the story-telling doll is itself the user interface for

initiating update of audio content, and that the various recited components are contained within the doll body.


In the Examiner's explanation of the rejection of claim 1, the examiner has identified the "*communication unit ... contained within said body*" with "Sharpe, PC 20, Fig. 2." This is somewhat confusing, given that no reference numeral 20 appears in Fig. 2, and given that PC 20 is part of the first embodiment while "modem 96, Fig. 4" also relied upon by the Examiner is part of the second embodiment. In any case, in both embodiments of Sharpe, it is clear that that any updating of content is performed via a personal computer (PC) external to the doll. User input 28 on the doll itself is used only for initiating playback, as detailed in column 4, lines 48-52.

In short, from a careful review of the cited references, it is clear that the references, considered alone or in combination, do not teach or in any way suggest a story-telling doll containing the recited components and configured to be responsive to an input signal generated by manipulation of a region of the doll's body to perform a content update procedure, all as defined in the current language of claim 1.

In view of these arguments, the Applicant respectfully submits that claim 1 is patentable in its current form. Reconsideration of the Examiner's rejections under § 102(b) and § 103(a) is respectfully solicited.

In view of the above remarks, it is respectfully requested that the Examiner reconsider the claims as amended in the preliminary amendment of December 9, 2005, and if necessary issue a new non-final Official Action addressing also claims 16-22 which were not yet considered. In view of the above arguments, it is further respectfully submitted that independent claims 1 and 16, and hence also dependent claims 2-6, 9-15 and 17-22, are in condition for allowance. Prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,



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Date: June 21, 2007